1	COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983								
2	Name: CALIHAN KENNETH RFILED								
3	(Last) (First) (Middle Initial) NOV 20 2019								
4	Prisoner Number: 1903228 ( EF0861) SUSAN Y. SOONG								
5	Institutional Address: 101 South ABEL STREET CLERK, U.S. DISTRICT COURT NORTH DISTRICT OF CALIFORNIA								
6	MILPITAS - CA 950357-								
7									
8	UNITED STATES DISTRICT COURT								
9	NORTHERN DISTRICT OF CALIFORNIA								
10	KENNETH RAYMOND CALIHAN								
11	(Enter your full name.)								
12	vs. Case No. (Provided by the clerk upon filing)								
13	GARRETT AUSTIN SWINKER (4343)  COMPLAINT UNDER THE								
14	JONATHAN EDWARD BARRERY (4336)  CIVIL RIGHTS ACT, 42 U.S.C. § 1983								
15	SAN JUSE Police DEPT. (ETAL) (Enter the full name(s) of the defendant(s) in this action.)								
16									
17	I. Exhaustion of Administrative Remedies.								
18	Note: You must exhaust available administrative remedies before your claim can go								
19	forward. The court will dismiss any unexhausted claims.								
20	A. Place of present confinement ELMWOOD CORRECTIONAL FACILITY.								
21	B. Is there a grievance procedure in this institution? YES \(\overline{\text{YES}}\) NO \(\overline{\text{T}}\)								
22	C. If so, did you present the facts in your complaint for review through the grievance								
23	procedure? YES \( \square\) NO \( \square\)								
24	D. If your answer is YES, list the appeal number and the date and result of the appeal at each								
25	level of review. If you did not pursue any available level of appeal, explain why.								
26	1. Informal appeal: NO GRIEVANCE PROCEDURE FOR This Completed								
27									
28									
	PRISONER COMPLAINT (rev. 8/2015)  Page 1 of 3								

1	2. First formal level: A A								
2									
3	1.								
4	3. Second formal level: NA								
5									
6	4. Third formal level: 刈ん								
7	4. Third foliatiovol.								
9									
10	E. Is the last level to which you appealed the highest level of appeal available to you?								
11	YES □ NO ☑								
12	F. If you did not present your claim for review through the grievance procedure, explain why.								
13	DOES NOT ADDLY								
14	,								
15									
16	П. Parties.								
17	A. Write your name and present address. Do the same for additional plaintiffs, if any.								
18	KENNETH RAYMOND CALIHAN - # 19032281								
19	701. SOUTH ABEL STREET								
20	MILPITAS - CA 95035.								
21	B. For each defendant, provide full name, official position and place of employment.								
22	(1) GARRETT AUSTIN Slowker - BAdge # 4343								
23	SAN JISE POLICE DEDT								
24	210. WEST MISSION STREET, SANJOSE-CA 95110								
25	(2) JONATHAN EDWARD BARRERA - BADGE - # 4336								
26	SAN JOSE POLICE DEPT								
27	210. WEST MISSIM STREET								
28	SANJOSE- 4 95110								
	PRISONER COMPLAINT (rev. 8/2015)  Page 2 of 3								

ŀ									
1	III. Statement of Claim.								
2	State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate								
3	numbered paragraph.								
4									
5	JONATHAN EDWARD BARRERA - Brage # 4336, FILED FAISE GHARQUES EN								
6	ME Angust 30, 2019., which RESULTED ME BEING STABBLED BY AN-								
7	OTHER INMITE WHO COME UP FIZZEM BEHIND ME ON SEPTEMBER 14,2019,								
8	WHICH RESULTED IN the LUSS of My RIGHT EYE, ON OCTUBER 04, 2019								
9	BOTH DEFENDING PRESENTED FAISE INFORMATION TO THE SANTA CLARA								
10	DISTRICT ATTORNEY, KNOWING THE INFORMATION TO BE FAISE AND HAVE								
11	NO MERIT, AS THE PENDING CRIMINAL CHARGES WILL BE DISMISSED ON								
12	DECEMBER 09,2019 OR DECEMBER 23,2019.								
13	BOTH DEFENDING ARE INVOLVED IN A CORRUPT DEGANIZATION								
14									
15									
16	IV. Relief.								
17 18	Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.								
19	(1) DEFENDANT (GARRETT AUSTIN STOINKER) BE HELD WARTE FOR THE								
20	AMOUNT of \$11,000,000 00.								
21									
22	2) DEFENDENT: (JONATHM EDWARD BARREAT) BE HELD LIABLE FOR THE AMOUNT OF \$ 11,000,000 (3) JULY DEMANT (Under the (RICO) ACT)								
23									
24	I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.								
	1/20/19 X +10 C.C.C								
25	Executed on:								
	Dute Signuare of Fluiniff								
	PRISONER COMPLAINT (rev. 8/2015)  Page 3 of 3								

JS 44 (Rev. 11/15)

## **CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS (	"A LIHAN KENNETH	-	DEFENDANTS SIGNALER GARRETT ALSTILL BARREDA TOWATHAN EDWARD SAW JOSE PO LICE DEPT. (ETAL)				
(b) County of Residence of	The state of the s	SANTA CLARA CO	u-nj	County of Residence	e of First List		SANTA CLARA COUNTY
(E	XCEPT IN U.S. PLAINTIFF C.	12K2)	,	NOTE: IN LAND C		ION CASES, USE T	HE LOCATION OF
(c) Attorneys (Firm Name,	Address, and Telephone Numbe	7) N/K		Attomeys (If Known)	-14		
		····					
II. BASIS OF JURISD	ICTION (Place an "X" in C	ne Box Only)		TIZENSHIP OF F (For Diversity Cases Only)	PRINCIPA	L PARTIES	(Place an "X" in One Box for Plaintiff and One Box for Defendant)
1 U.S. Government R3 Federal Question Plaintiff (U.S. Government Not a Party)			PTF DEF FTF DEF Citizen of This State # 1 1 Incorporated or Principal Place				
☐ 2 U.S. Government Defendant	4 Diversity (Indicate Citizensh	ip of Parties in Item III)	Citiz	on of Another State	32 🗆 2	Incorporated and I of Business In A	
				an or Subject of a Creign Country	3 0 3	Foreign Nation	0 6 0 6
IV. NATURE OF SUI	(Place an "X" in One Box Or	aly) RVS		MARCHEURE PRENATERY	TABLE STATE	KRUE CO	MEETOTHER STATEMENTS SEE
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY    310 Airplane	PERSONAL INJURY    365 Personal Injury - Product Liability   367 Health Care/   2	Y 🗆 62	5 Drug Related Seizure of Property 21 USC 881 0 Other	Orng Related Seizure of Property 21 USC 881 Other  28 USC 157  PROPERTY AND CHARGE STREET STREET STREET  28 USC 157		J 375 False Claims Act J 376 Qui Tam (31 USC 3729(a)) J 400 State Reapporticument J 410 Antitust J 430 Banks and Banking
☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)				TabloR		emark SKEURIUYES	450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit
☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	Liability  350 Motor Vehicle  555 Motor Vehicle Product Liability  360 Other Personal Injury  362 Personal Injury  Medical Melaporities		72 3 0 74 5 0 75	Act  1 Labor/Management Relations  1 Railway Labor Act  1 Family and Medical Leave Act  2 Other Labor Litigation	861 HIA (1395ff)		490 Cable/Sat TV   850 Securities/Commodities/ Exchange   890 Other Statutory Actions   891 Agricultural Acts   893 Environmental Matters   895 Freedom of Information Act   896 Arbitration   899 Administrative Procedure Act/Review or Appeal of Agency Decision   950 Constitutionality of
210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability	440 Other Civil Rights 441 Voting 442 Employment 443 Housing Accommodations 445 Amer. w/Disabilities - Employment		NSE 0 79	1 Employee Retirement Income Security Act			
290 All Other Real Property			<b>1</b> 46	2 Naturalization Application 5 Other Immigration Actions			State Statutes
	•	Remanded from ( Appellate Court	□ 4 Rein Reop		er District	6 Multidistr Litigation	
VI. CAUSE OF ACTIO	ON Rico - RA	HCKETEER I	SPhie		tutes unless di	ORA ANIZA	MON, U.S. GULSATUR 47
VII. REQUESTED IN COMPLAINT:		IS A CLASS ACTION		EMANDS 22, 000, 4	20 20 0		if demanded in complaint:
VIII. RELATED CASI IF ANY	E(S) (See instructions):	JUDGE			DOCKE	ET NUMBER	
DATE		SIGNATURE OF AT	TORNEY (	OF RECORD			
FOR OFFICE USE ONLY							
	MOLINT	APPLYING IFP		ллосе		MAG. JUI	DGE

JS 44 Reverse (Rev. 11/15)

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- L(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
  United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
  United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the six boxes.
  - Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filling date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.